

YOUR RIGHT TO PRIVACY

The Arcadia Public Library recognizes the need to protect your right to privacy about the questions you ask and the materials you read and borrow. The American Library Association Policy Concerning Confidentiality of Personally Identifiable Information About Library Users was adopted by the Library Board and is available in Section 7.

In order to guarantee privacy for each individual, California Law mandates confidentiality of your registration and borrowing records, and Arcadia Public Library policies and procedures carry out that intent.

CALIFORNIA LAW

The USA PATRIOT ACT overrides state library confidentiality laws protecting library records.

Library patron registration and borrowing records are confidential under the Public Records Act, California Government Code Section 6267.

Senate Bill No. 445, CHAPTER 80: An act to amend Section 6267 of the Government Code, relating to public records.

SECTION 1. Section 6267 of the Government Code is amended to read:

6267. All patron use records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency, to any person, local agency, or state agency except as follows:

(a) By a person acting within the scope of his or her duties within the administration of the library.

(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.

(c) By order of the appropriate superior court.

As used in this section, the term "patron use records" includes the following:

(1) Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron's name, address, telephone number, or e-mail address, that a library patron provides in order to become eligible to borrow or use books and other materials.

(2) Any written record or electronic transaction that identifies a patron's borrowing information or use of library information resources, including, but not limited to, database search records, borrowing records, class records, 96 and any other personally identifiable uses of library resources information requests, or inquiries.

This section shall not apply to statistical reports of patron use nor to records of fines collected by the library.

Effective January 1, 2012. Approved by California Governor July 11, 2011

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Library staff cannot give any information about a patron's registration and circulation record to anyone other than the patron, regardless of age or relationship to the patron. For example, a parent cannot be told what material a child has checked out on the child's card without the child's consent.

The Library recognizes that in many families library cards are shared among family members. However, for purposes of compliance with the Library policy and state law, only the person to whom the card belongs may have access to information about materials checked out on that card.

USA PATRIOT ACT

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA Patriot Act") became law on October 26, 2001. The legislation originated with Attorney General John Ashcroft, who asked Congress for additional powers that he claimed were needed to fight terrorism in the wake of the events of September 11, 2001.

The Patriot Act amended over 15 federal statutes, including the laws governing criminal procedure, computer fraud and abuse, foreign intelligence, wiretapping, immigration, and the laws governing the privacy of student records. These amendments expanded to authority of the Federal Bureau of Investigation and law enforcement to gain access to business records, medical records, educational records and library records, including stored electronic data and communications. It also expanded the laws governing wiretaps and "trap and trace" phone devices to Internet and electronic communications.

POSTED LIBRARY STATEMENT CONCERNING THE USA PATRIOT ACT

Although the Arcadia Public Library makes every reasonable effort to protect your privacy, under the federal USA Patriot Act (Public Law 107-56), records of the books and other materials you currently have on loan from this library, your inter-library loan requests placed during the past year or the Internet sites and emails that you access through our computers may be obtained by federal agents. That federal law prohibits library workers from informing you if federal agents have asked about or obtained our records.

Questions about the law and its enforcements should be directed to the U.S. Attorney General, Department of Justice, Washington, D.C. 20530.

At their July 17, 2003 meeting the Library Board of Trustees approved posting the above notice about the USA Patriot Act.

The Arcadia Public Library Board of Trustees takes a position endorsing the modification of the USA Patriot Act to the extent that it affects public library operations and requires library employees to perform in a manner inconsistent with normal library operations and imposes limitations on the intellectual freedom of patrons.